

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Stanley R. Chesler
	:	
v.	:	Crim. No. 08-616 (SRC)
	:	
DENNIS OURY and	:	
JOSEPH FERRIERO	:	<u>O R D E R</u>

This matter having come before the Court on the joint application of Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (by Thomas R. Calcagni and Rachael A. Honig, Assistant U.S. Attorneys), and defendants Dennis Oury (by Gerald Krovatin, Esq.) and Joseph Ferriero (by Joseph A. Hayden, Jr., Esq.) for an order declaring this matter to be a complex case pursuant to Title 18, United States Code, Section 3161(h)(8)(B)(ii); and the defendants being aware that absent such a finding they would have a right to be tried within seventy days of their first appearance in this district in connection with this matter, pursuant to 18 U.S.C. § 3161(c)(1); and the defendants and Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (Thomas R. Calcagni and Rachael A. Honig, Assistant U.S. Attorneys, appearing) having concurred in the assertion that this matter is complex as defined in the statute; and the Court having found that an order granting a continuance of the proceedings in the above-captioned matter should be entered, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. This case involves allegations of honest services mail fraud and conspiracy to commit honest services mail fraud occurring over a period of several years.

2. The discovery in the case is extensive, in that it includes records from various public and private entities as well as a substantial volume of bank records and other documents.

3. In light of these findings, and given the nature of the case and its complexity, it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established under the Speedy Trial Act.

4. In addition, counsel for defendant Oury has a commitment in another criminal case scheduled for trial on March 23, 2009, and therefore the failure to grant a continuance would unreasonably deny defendant Oury continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. If this trial does not go forward as scheduled, the parties each reserve the right to move this Court for an earlier trial date in this case.

5. Both defendants have consented to the aforementioned continuance.

6. Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, it is on this 4 day of June, 2009,  
ORDERED that the this matter is hereby designated a  
complex case;


IT IS FURTHER ORDERED that the defendants shall file  
pretrial motions, if any, no later than June 12, 2009;

IT IS FURTHER ORDERED that the Government shall file a  
response to such motions no later than July 1, 2009;

IT IS FURTHER ORDERED that the defendants shall file  
their reply, if any, no later than July 8, 2009;

IT IS FURTHER ORDERED THAT, as ordered by the Court on  
September 22, 2008, the trial in this matter is continued until  
September 15, 2009; and


IT IS FURTHER ORDERED that the period between September  
22, 2008, and September 15, 2009, shall be excludable in  
computing time under the Speedy Trial Act of 1974.

  
HON. STANLEY R. CHESLER  
UNITED STATES DISTRICT JUDGE

Consented to as to form and entry:

  
Gerald Krovatin, Esq.

  
Joseph A. Hayden, Jr., Esq.

  
Rachael A. Honig  
Assistant U.S. Attorney